

NATIONAL INSTITUTES OF HEALTH
Deputy Ethics Counselors and Ethics Coordinators
Meeting Minutes: June 19, 2006

Administrative Items

An email was sent out to the DEC/EC community about the changes in procedure for HHS 521 form review. Non-senior 521 reports that had 520s vetted through NEAC no longer need to be reviewed by the NEO. Any 521 reports that are currently in the NEO are being sent back to the ICs for review and approval by the IC DEC. This procedure has been updated on our website for reference.

A reminder to the DEC/EC community to please communicate to the NEO when Senior employees or ethics staff come on board or leave your IC.

Employee Survey

The NEO has been working with a contractor, ORC Macro, on the employee survey that is requesting feedback on ethics issues from NIH employees. The survey will be going out to all NIH employees via email this week. ORC Macro is sending batches of emails to employees and they should have all notices out by Wednesday, June 21, 2006. The reason they are not sending them all at once is so they are able to troubleshoot any technical problems, should they occur, before notice is sent to all employees.

Any technical questions regarding the electronic survey should be directed to ORC Macro and any content questions can be directed to the NEO.

Official Duty Policy and chart

The Official Duty Activities chart is now updated on our website. Any sponsored (348) travel may still have to be vetted through “appropriate channels” (i.e., ethics offices) for approval, but this process may change. There were many questions raised from the extramural community and the documents may need to be revised for clarification to address these issues. The biggest change is that many official duties have been taken out of the IC DEC/EC jurisdiction and can be approved by the supervisor.

A question was asked about documentation employees will be getting from their supervisors and in what form should it be in (i.e., memo, email, verbal). Per Sally Rockey and Michael Gottesman, verbal approval is fine but it might be appropriate to have an email exchange between employee and supervisor depending on the circumstances. Recusals should be in writing.

Elaine Ayers of the CC reminded the community that the new protocol face sheet (form 1195) will be effective July 1 and does include ethics review for conflict of interest in its routing.

The question was raised about who clears co-sponsorship agreements and it was noted that Lana Skirboll’s office is currently working on the manual chapter for that.

The question was raised on whether there is a policy on the conversion of an activity from an outside activity to an official duty. While there is no specific policy on this, each situation must be analyzed on a case-by-case basis to determine: 1) whether the nature of the activity warrants approval as an official duty; and 2) whether the supervisor will support the change.

There should be a distinct and justifiable reason for the need to convert. For example, one of the criteria for an approved outside activity is that it is not related to the employee's official duties. Has the nature of the work changed so that it is more closely related to their official duties? Is the supervisor willing to allow them to do this in their official capacity?

One consideration to remember is the one-year cooling off period after the completion of an outside activity and whether official participation may be authorized.

A few suggestions were made for clarifications in the Official Duty policy.

Meeting was adjourned at 11:34am